

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference
40cdh/229278

FOR FURTHER ACTION
See paragraph 2 below.

International application No. PCT/EP2004/010824	International filing date (day/month/year) 28.09.2004	Priority date (day/month/year) 03.02.2004
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International Patent Classification (IPC) or both national classification and IPC
B01D46/50 B01D35/14, B01D29/21, B01D29/15, F02M37/22, B01D27/06

Applicant
HYDAC FILTERTECHNIK GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
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International application No.

PCT/EP2004/010824

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language
which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4, 8, 9	YES
	Claims	1-3, 5-7, 10, 11	NO
Inventive step (IS)	Claims		YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations:

The following documents are cited in the search report:

- D1: US-A-6 099 726 (GEMBOLIS DONALD J *ET AL.*) 8
August 2000 (2000-08-08)
- D2: EP-A-0 402 657 (KNECHT FILTERWERKE GMBH) 19
December 1990 (1990-12-19)
- D3: GB-A-2 300 367 (PROCESS SCIENT INNOVATIONS) 6
November 1996 (1996-11-06)
- D4: US-B-6 168 7131 (SAWADA KAZUTO *ET AL.*) 2
January 2001 (2001-01-02)

See the relevant passages cited in the search report in particular.

1. D1 discloses the following conductive elements:
filter element, support pipe, end caps, adhesive bed, O-ring. The filter element may comprise a plurality of layers with support layers and be folded. The edge of the end cap is raised.

The subject matter of claims 1, 3, 5-7 and 10, 11 is therefore no longer novel (PCT Article 33(2)) over D1.

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Box No. V

Reasoned statement under Rule 43bis1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

2. D2 discloses conductive edge elements 2, 3 or 7 which pass through a non-conductive plastic bed, or a conductive plastic bed itself. The edge of the end cap is raised. The end cap itself is also conductive.

The subject matter of claims 1-4, 7, 8 and 10 is therefore no longer novel (PCT Article 33(2)).

In claim 9 of the present application, the edge elements (contact pins) are supposed to lie in concentric circles; in D2, the contact elements "3" lie in spirals. This distinction cannot form the basis for an inventive step (PCT Article 33(3)). In D2, the contact elements "3" are flat webs; the shape of "pins" as per current claim 4 cannot form the basis for the existence of an inventive step (PCT Article 33(3)); this also applies to the variant as per dependent claim 8. In claim 9 of the present application, the edge elements (contact pins) are supposed to lie in concentric circles; in D2, the contact elements "3" lie in spirals. This distinction cannot form the basis for an inventive step (PCT Article 33(3)).

3. D3 discloses the following electrically conductive elements: end caps, filter element coatings, support pipe, adhesive bed. D3 also discloses a raised edge on the end caps.

The subjects of claims 1, 3, 5, 6, 7 and 10 are

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Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

therefore no longer novel (PCT Article 33(2)) over
D3.

4. D4 discloses the following electrically conductive elements: filter material, support tube, end caps, sealing element 25 in figure 6. D4 also discloses a raised edge on the end caps.

The subjects of claims 1, 3, 5, 7 and 10, 11 are therefore no longer novel over D3 (PCT Article 33(2)).